

REMARKS

In response to the Office Action dated March 14, 2005, Applicants respectfully request reconsideration and withdrawal of the rejections of the claims. The indication that claims 3 and 5-7 contain allowable subject matter is noted with appreciation.

The Office Action presents objections to the terminology in claims 2, 3 and 4, which it characterizes as typographical errors. It is respectfully submitted that the items identified in the Action are not typographical errors, in the sense that they constitute misspellings, or the like. Rather, it is respectfully submitted that the changes proposed in the Office Action are directed to differences in style, rather than correction of errors.

Nevertheless, in an effort to advance the prosecution of the application, the Examiner's suggestions have been adopted, with two exceptions. In claim 2, line 8, the Office Action proposes that the word "a" be changed to "said." In other words, the Office Action is proposing that the phrase "a data processing application" be changed to "said data processing application." It is respectfully submitted that such a change would not be appropriate, since there is no antecedent basis for the word "said." More particularly, the preamble of claim 2 recites "data processing applications" (plural). In contrast, line 8 of claim 2 refers to "a data processing application" (singular). Since no single data processing application has been previously identified in the claim, there is no reference for "said data processing application."

For similar reasons, the proposed change to claim 4 has not been adopted, since there would be no antecedent basis for the recitation of "said secret" in singular form.

Claims 1 and 3 were rejected under the second paragraph of 35 U.S.C. §112, on the grounds that they were considered to be indefinite. With respect to claim 1, the Office Action alleges that the word "allocatable" in line 7, makes the claim indefinite. The rejection states that it is not clear whether the method steps are being executed or not, and suggests that the phrase "selectively allocating a number of security registers to any one of a plurality of said directories" as a replacement. The reference to method steps, and the suggestion to insert the proposed phrase into the claim, is not understood. Claim 1 is a *system* claim, not a method claim. The rejection, and proposed change in terminology, appears to be based upon a misunderstanding of the claim.

Claim 1 recites that the security registers are "selectively allocatable to any one of a plurality of said directories." This phrase does not represent a method step. Rather, it defines an attribute of the security registers, i.e., that they are capable of being selectively allocated among the directories. This is in contrast to the prior art, in which a security register was dedicated to each application. It is respectfully submitted that a person of ordinary skill in the art would recognize the meaning of this term upon reading the specification. See, for example, page 2, lines 6-16, and page 7, lines 17-22.

With respect to claim 3, the Office Action states that it is not clear whether the recitation of "a new directory" in lines 10 and 11 is referring to the same new directory as that recited in lines 8-9. Claim 3 recites three rules that are applied in the allocation of a security register to a directory. These rules are described in the specification, for example, at page 7, line 23 to page 8, line 14. For any given allocation, all three rules may be applicable, or only some of them may apply. Thus, the new directory that is the subject of the third rule recited in lines 10-11 of claim 3 may, or may not, be the same as a new directory to which the second rule defined in lines 7-9 is applied. For this reason, the indefinite article "a" was employed to designate the new directory in lines 10-11 of the claim.

Accordingly, it is respectfully submitted that claim 3 complies with the requirements of the second paragraph of 35 U.S.C. §112 since, for any given situation, a person of ordinary skill in the art would recognize whether the new directory that is the subject of the third rule is the same as the one to which the second rule is applied. Again, however, to advance the prosecution of the application, claim 3 has been amended to adopt the Examiner's suggestion. It is respectfully submitted that this amendment is not necessary to overcome the rejection, and is merely being presented to expedite allowance of the application.

The rejection of claim 1 as being unpatentable over the Proust and Jennings patents was maintained. In responding to Applicants' arguments traversing this ground of rejection, the Office Action states that the phrase "allocation is carried out in a dynamic manner" is not recited in claim 1, and therefore appears to dismiss the applicants' arguments in their entirety. It is respectfully submitted that this approach does not comply

with the standards set forth in MPEP §707.07(f). This portion of the Manual states that when an Applicant traverses a rejection, if the Examiner repeats the rejection, he should "take note of the Applicant's argument and answer the substance of it." This has not occurred in the instant case. The phrase identified in the Office Action does not constitute the entirety of the applicant's argument. Rather, it identifies one of the advantages of the invention, and was provided for the Examiner's benefit to appreciate how the invention differs from the prior art.

Other portions of Applicants' response specifically identified distinctive features of the invention that are explicitly recited in the claims and not found in the references. For example, at the middle of page 9, Applicants' previous response states that the Jennings patent "does not . . . describe the allocation of security registers to applications, *particularly the selective allocation of a register to any one of a plurality of applications at different levels of a hierarchy.*" (emphasis added). This distinction is recited in claim 1 as "a number of security registers which are selectively allocatable to any one of a plurality of said directories," where the directories have been previously defined as those in which the data processing applications are stored and are organized in an n-level tree. The Office Action merely repeats the rejection, without addressing this distinction identified by the Applicants.

It is respectfully submitted that the Proust and Jennings patents do not suggest the subject matter of claim 1. The Proust patent discloses that a secret reference is stored in association with an application. See, for example, column 14, lines 4-9. Even if one assumes that the secret references are stored in registers within the data storage mechanism 8, the patent does not describe how such registers are allocated to the applications. In particular, it does not disclose whether a given register is dedicated to an associated application, or whether the registers are selectively allocatable to any one of a plurality of applications, or directories in which the applications are stored.

Quoting from the claim language, the Office Action alleges that the Proust patent discloses security registers which are selectively allocatable to any one of a plurality of directories, with reference to column 13, lines 36-55. Applicants are unable to identify any disclosure in this portion of the reference which states that the security registers are

"selectively allocatable." The noted portion of the reference relates to the procedure in which a SIM module responds to a received short message. In relevant part, the patent states that the SIM module "verifies (57) the authenticity of the message using a secret reference and a message authentication mode that are associated with the remote application transmitting the message..." This portion of the patent does not discuss security registers that may be used to store a secret reference, let alone the manner in which such registers might be allocated to the application.

Nor does the Jennings patent teach such subject matter. The Office Action appears to be relying upon this latter patent for its disclosure of a hierarchical memory system. It is not apparent why the Office Action refers to the Jennings patent for this teaching, since the Proust patent already discloses a hierarchical arrangement of files and directories. See, for example, Figure 4.

It is respectfully submitted that, other than the generic disclosure of a hierarchical memory system, the Jennings patent has no relationship to the subject matter of the Proust patent or the claimed invention. In particular, it does not disclose, nor otherwise relate to, the storage of rights, or secrets, in security registers. More importantly, it does not contain any teaching that would lead a person of ordinary skill in the art to provide for selective allocation of security registers to any one of a plurality of directories in which data processing applications are stored. In other words, the Jennings patent does not disclose the claimed feature of the invention that distinguishes it from the Proust patent, as discussed above.

For at least the foregoing reasons, therefore, it is respectfully submitted that the teachings of the Proust and Jennings patents do not render the subject matter of claim 1 unpatentable. If the rejection is not withdrawn, the Examiner is respectfully requested to identify, with particularity, where either of these references discloses "a number of security registers which are selectively allocatable to any one of a plurality of . . . directories" in which data processing applications are stored. In the absence of such a showing, it is respectfully submitted that the rejection of claim 1 cannot be maintained.

Claims 2 and 4 were rejected on the basis of the Proust and Jennings patents, in further view of the newly-cited Shanton patent (US 5,680,452). In rejecting these claims,


the Office Action acknowledges that the Proust and Jennings patents do not disclose dynamic allocation of security registers to one of a plurality of directories that are organized in a hierarchy. To this end, therefore, the rejection relies upon the Shanton patent, and refers to its teachings that an object can include a directory, or collection of directories, and that its makeup can be changed dynamically by inheritance.

It is respectfully submitted that this teaching does not suggest the claimed subject matter to a person of ordinary skill in the art. In relevant part, the Shanton patent discloses that an object inherits the attributes of other objects, and the inheritance features can change dynamically during the operation of the objects. The fact that an object's *inherited attributes* can change dynamically has nothing to do with the *allocation* of security registers to directories. The Office Action has not identified any nexus between Shanton's discussion of dynamically changeable objects and the Proust patent's disclosure of associating a secret reference with an application. At best, an application of the Shanton patent's teachings to the system of the Proust patent would be to make the *directories* themselves capable of being dynamically changed through inheritance. This result does not, in any way, have anything to do with the manner in which security registers are allocated to those directories. In particular, it does not suggest that a security register can be dynamically allocated to any one of a plurality of directories in a hierarchy, in contrast to having security registers that are dedicated to each of the directories.

For the foregoing reasons, therefore, it is respectfully submitted that the subject matter of claims 2 and 4 is not rendered unpatentable by the Proust, Jennings and Shanton patents, even when the teachings of these respective patents are considered in combination.

Reconsideration and withdrawal of the rejections, and allowance of all pending claims, are respectfully requested.

Respectfully submitted,
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